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RECENT IMPORTANT DECISIONS.

ADVERSE POSSESSION AS AGAINST CITY.—Complainant has occupied adversely a portion of the side-walk on the corner of two public streets, such occupancy having been continuous since March 27, 1890, and now asks an injunction restraining the municipal authorities from forcibly removing him and his fruit stand from the premises; *held*, that the decree of the lower court dismissing the bill of complaint on demurrer should be affirmed. *Pastorino v. City of Detroit et al.* (Mich. 1914) 148 N. W. 231.

There is an irreconcilable conflict in American cases as to whether the right of the public to use land dedicated for a street or highway may be extinguished by non-user or adverse possession, due to laches, negligence, or non-action of municipal authorities. The weight of the adjudged cases seems to be that the Statute of Limitations will not run against the municipality. States holding to the contrary were Arkansas, Connecticut, Kentucky, Minnesota, Missouri, Nebraska, Vermont, Texas, Oregon and Michigan. Prior to the passage of Act No. 46 PUBLIC ACTS OF MICHIGAN, 1907, title by adverse possession could be established in lands owned by the municipal corporation the same as though owned by private individuals. *Flynn v. Detroit*, 93 Mich. 590; *Leanard v. Detroit*, 108 Mich. 599; *Schneider v. Detroit*, 135 Mich. 570; *Vier v. Detroit*, 111 Mich. 646; *Big Rapids v. Comstock*, 65 Mich. 78. By that act, however, it was provided that "Hereafter no rights as against the public shall be acquired by any person by reason of the occupation or use of any public street etc." States enacting similar laws more or less recent are Missouri, 1865; Minnesota, 1899; Nebraska, 1899; Oregon, 1895; Texas, 1887. The statement in *LaBarre v. Bent*, 154 Mich. 520, 118 N. W. 6 "that it is clearly the law that under some circumstances a private person may acquire title to a highway by adverse possession" would appear to be dicta and opposed to the terms of the statute.

BANKRUPTCY—PREFERENCE THROUGH LEGAL PROCEEDINGS—"FINAL DISPOSITION."—A petition filed against one of the respondents charged that within four months next preceding its filing said respondent committed an act of bankruptcy, in that while insolvent she allowed a judgment to be recovered against her and an execution issued thereon and levied, thereby giving a preference to such judgment creditor; and further, that at the time of filing the petition, which was one day less than four months after the levy of execution, she had not vacated or discharged the levy and resulting preference,—*Held*, that such failure to vacate or discharge the levy is not a "final disposition" of the property affected by the levy, within the meaning of § 3a (3) of the Bankruptcy Act of 1898, providing against preferences by legal proceedings; and further, that there is nothing in the above named clause which suggests that the time when the lien is obtained has any bearing upon when the property must be freed from it to avoid an act of